

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re :
 : Chapter 13
 SHAWN D. GARDINER :
 : Case No. 23-11275 (AMC)
 Debtor. :
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THE CITY OF PHILADELPHIA'S
OBJECTION TO THE PROPOSED FIFTH AMENDED CHAPTER 13 PLAN

TO THE HONORABLE ASHELY M. CHAN:

AND NOW, comes the City of Philadelphia, (the “City”), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Senior Attorney, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed Fifth Amended Chapter 13 plan (the “Plan”), of the above-captioned debtor, (the “Debtor”). The City avers the following in support thereof:

1. On May 1, 2023, the Debtor filed a voluntary petition for Chapter 13 bankruptcy with this Court.
2. On May 26, 2023, the Debtor filed a list of all real property owned by the Debtor, which included the property located at 1015 E Durham Street, Philadelphia, Pennsylvania (the “Subject Property”). A copy of the Debtor’s Schedule A/B is attached hereto as Exhibit A.
3. The Debtor values the Subject Property at Two Hundred Thirty Two Thousand Eight Hundred Dollars (\$232,800). See Exhibit A.
4. On October 13, 2023, the City filed a secured claim in the amount of One Hundred Five Dollars and Fifty Cents (\$105.50) for a judgment in connection with the

Subject Property (the “Tax Claim”). A copy of the proof of claim filed by the City is attached hereto as Exhibit B.

5. As neither the Debtor nor another party in interest has objected to the Tax Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On February 21, 2024, the Debtor filed the Plan, which provides for a total payment on the Tax Claim in the amount of \$16.37. A copy of the Plan is attached hereto as Exhibit C.

7. The Plan fails to reflect an accurate amount to be paid to the City in connection with the Tax Claim.

8. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

9. The Plan should not be confirmed as it fails to specify correct payment, and thus does not ensure that distributions under the plan are not less than the allowed amount of the Tax Claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: April 30, 2024

By: /s/ Pamela Elchert Thurmond
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